CHHATTISGARH COURT FEE 10 INDIA TEN RUPEES CANCELLED

CF 10/-

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

M.C.C. 169 /2003

(Arising out of W.P. 2592/2001)

PETITIONER

1. Naval Kishore Verma S/o Mithailal Verma R/o Gawlipara, Durg (C.G.)
2. Ashok Pareek S/o N.R. Pareek, R/o Hudco Sector, MIG-2/233 Bhilai Nagar , Durg (C.G.)

P. R. No. 2689/03 Presented by Shri Sanjay Gupta dated 17.12.03

VERSUS

RESPONDENT

1. State of Chhattisgarh Through : The Secretory Department of Transport, D.K.Bhawan, Raipur (C.G.)
2. Regional Transport Authority Raipur,
3. Yasin Khan, Bus Operator, Raipur (C.G.)

RECEIVED COPY 17/12/03 Clerk to A. G. Bilaspur

APPLICATION FOR RESTORATION OF WRIT PETITION 2592/01.

(11)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...MCC.1681/06... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

31-8-2006

Shri Amit Sharma, counsel for the applicants.

Shri G.K. Beriwal, Dy. Advocate General for the State.

Heard.

The instant MCC has been filed by the applicants for restoration of Writ Petition No.2592/2001.

Learned counsel for the applicants submits that writ petition No.2592/2001 was taken up for hearing on 21-11-2003 and on the said date the writ petition was dismissed for non-prosecution.

Learned counsel for the applicants submits that due to illness the counsel could not appear on the date of hearing and also submits that it was not mala fide intention. He prays for restoring the writ petition to its original number. The application for restoration of writ petition is supported by an affidavit of counsel.

Having considered the facts and circumstances of the case, material on record and in view of the decision of Supreme Court rendered in the case of **Rafiq and another vs. Munshilal and another (AIR 1981 SC 1400)** wherein it has been held that the party should not suffer because of mistake or error of the counsel, the MCC is allowed. The writ petition is restored to its original number i.e. **Writ Petition No.2592/2001**.

Copy of this order be placed in Writ Petition No.2592/2001.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

Gowri

P.T.O.